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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

RUBEN HERNANDEZ, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

NEOVIA LOGISTICS SERVICES, LLC, a
Delaware Limited Liability Company;
NEOVIA LOGISTICS DISTRIBUTION, LP, a
Delaware Limited Partnership; and DOES 1
through 100,

Defendants.

Case No.: CIVSB 2305867

**DECLARATION OF PLAINTIFF
MIGUEL MORENO SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: September 11, 2024
Time: 8:30 a.m.
Dept.: S36

Action Filed: March 2, 2023
Trial Date: None Set

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DECLARATION OF MIGUEL MORENO

I, Miguel Moreno hereby declare as follows:

1. I am an individual over the age of eighteen. I have personal knowledge of the facts stated in this declaration and could and would testify to those facts if called upon to do so.

2. I am the named plaintiff in the current lawsuit. I am submitting this declaration in support of Plaintiffs' Motion for Approval of Class Action Settlement.

3. I started my employment with Neovia Logistics Distribution, LP ("Neovia") in approximately July 2021. My employment with Neovia ended in approximately June 2023. I worked as a "forklift operator."

4. While working at Neovia, I spoke with an attorney because I witnessed what I thought were labor code violations on a regular basis and unfortunately, it was a problem experienced by others who worked for Neovia as well. I decided that I wanted to serve as a representative plaintiff for others.

5. I knew being a representative plaintiff was a serious and time-consuming commitment, but I felt a sense of duty to work on behalf of my co-workers who had faced the same difficulties at work as I did. Even though I understood that Neovia could seek to recover its costs of this lawsuit if they won the case against me, I still decided to go forward as a representative because I felt it was important to stand up for my co-workers who were too afraid to come forward on their own.

6. Being a representative was a big commitment. It required taking personal time out of my schedule to assist my attorneys and give them important information about Neovia and my employment. This included information about Neovia's corporate policies and practices.

7. I have had many phone calls and email exchanges with my attorneys. I gave them lengthy interviews about my experiences to help them prepare the legal documents. As the case progressed, I searched for and turned over papers related to my job with Neovia. I also have read case documents, including the letter we submitted to the Labor Workforce Development Agency, the Complaint we submitted to this Court, documents produced by Neovia, the mediation brief

1 my attorneys prepared, and the class action settlement agreement.

2 8. I have also taken seriously my responsibility to keep informed of what was
3 happening in the lawsuit. Throughout the case, I had many conversations with my attorneys about
4 the case documents, evidence and legal strategy. Some of these conversations have been long,
5 sometimes involving more than one conversation or email back and forth in a day.

6 9. In becoming the named representative, I faced the risk that initiating the case could
7 potentially hurt my future employment possibilities with another employer. As I mention above,
8 I also faced the risk that Neovia might go after me for litigation costs if it won the case against
9 me. Despite the risks, I decided that representing the other workers was the right thing to do and
10 that it was important that Neovia follow the law in how they treat and pay their workers.

11 10. I was glad to learn that Neovia was interested in mediation to discuss settlement.
12 In advance of the mediation, I spent a significant amount of time working with my attorneys to
13 provide information and even more time searching for, organizing and producing documents
14 related to my work for Neovia. I also reviewed the pages of records that Neovia produced
15 regarding my work for them. Our damages calculation for mediation was based on my input on
16 these records and also on additional documents and data that Neovia provided to my attorneys in
17 response to our mediation requests. In preparation for our mediation, I had a series of phone
18 conversations and email exchanges with my attorneys to go over my understanding of these
19 documents and data as well.
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21 11. I participated in several conversations with my attorneys regarding the drafting of
22 the formal settlement agreement. As part of the settlement agreement, I am releasing any and all
23 claims I have against Neovia, not just those relating to this case. I understand that this release is
24 broader than that which applies to the other Class Members and Aggrieved Employees.

25 12. In light of the time that I have put into this case since the original meetings and
26 conversations in July 2021, through the present, including my continued commitment to the case
27 and the risks that came with being the named plaintiff, I respectfully request that the Court grant
28 a service payment of up to \$5,000, in an amount that the Court deems to be fair and appropriate.

1 I believe a significant award is warranted here because of the result achieved, the many hours of
2 my personal time that I have invested in the case, my commitment to seeing it through to a strong
3 settlement for my co-workers, and my release of all other claims that I may have against Neovia.

4 13. I am both proud and grateful that my work and participation in the case helped to
5 pave the way for a successful settlement. I believe that the settlement offers a very beneficial
6 result for the other workers. Regardless of how the Court rules on my request for a service award,
7 I request that the Court grant approval of the settlement.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct and to the best of my knowledge.

10 Executed on 8/19/2024 at Riverside, California

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12 DocuSigned by:
13 Miguel Moreno
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MIGUEL MORENO